

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9471 of 2020

Arising Out of PS. Case No.-1105 Year-2015 Thana- COMPLAINT CASE District-
Kishanganj

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1. Bibhash Das alias Bibhash Kumar Das Aged about 30 years Male Son of Bablu Das
 2. Abhishek Das alias Raju Aged about 27 years Male Son of Moni Das
 3. Bablu Das @ Bablu aged about 59 years Male
 4. Moni Das Aged about 56 years Male
 5. Pankaj Das, Aged about 52 years Male
- All Sons of Late Nirapado Das all Resident of Village - Bahadurganj Ward no. 08, P.S. Bahadurganj, District - Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binod Prasad Saha aged about 58 years male Son of Sarju Prasad Saha Resident of Village Sattal Mazar Road Ward no. 15 Bahadurganj P.S. Bahadurganj District Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-03-2020 Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Complaint Case No. C 1105 of 2015 in which cognizance under Sections 323, 448, 379, 406, 427/34 of the Indian Penal Code, 1860 has been taken by the learned Chief Judicial Magistrate, Kishanganj.



The allegation against the petitioners as per the complaint petition is that the complainant is running a betel and cosmetic shop along with his son - Sourabh Kumar and the accused persons Bibhash Das @ Bibhash Kumar and his father - Bablu Das, being the neighbours of the complainant, used to purchase goods on cash and credit from the shop of the complainant and when a sum of Rs. 11,000/- became due on account of purchase of goods from the shop of the complainant and the complainant demanded the said amount, the accused persons with common intention came to the shop of the complainant and started abusing him and also ransacked the goods of the shop of the complainant and took a sum of Rs. 13,000-14,000/- (cash) from the shop.

Mr. Ram Prawesh Kumar, learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case based upon a *mala fide* complaint. Learned counsel further submits that petitioner no. 2 had lodged a case against the son of the complainant and others under Sections 341, 323, 379, 504, 34 of the Indian Penal Code, 1860 being Bahadurganj P.S. Case No. 268 of 2015 dated 11.09.2015 and the present complaint has been filed by the complainant in retaliation of the same. Learned counsel further submits that



both the parties are co-villagers and neighbours.

Having heard learned counsel for the parties and taking into consideration the fact that both the parties are neighbours and the petitioner no. 2 had filed a case against the son of the complainant, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Complaint Case No. C 1105 of 2015, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Anil Kumar Sinha, J)

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